

## CHAPTER 19      CERTIFICATION PROCEDURES FOR RESALE CARRIERS

Secs.	
1900	General Provisions
1901	Certification Filing Requirements for Resale Carriers
1902	Sale or Transfer of Effective Control
1903	Penalties
1904	Complaint Procedures
1999	Definitions

### 1900      GENERAL PROVISIONS

- 1900.1      Pursuant to the Chesapeake and Potomac Telephone Company's local exchange tariff requirement that resellers of local exchange and private line services receive a certificate from the Commission before providing service (C&P Local Exchange Tariff, P.S.C. - D.C. - No. 202, Section 1 B.1.a., 8th Revised Page 1; C&P Local Exchange Tariff, P.S.C. - D.C. - No. 204, Section 1, B.5.a., 3rd Revised Page 2), this chapter shall set forth the certification requirements for resale carriers.

**AUTHORITY:** Unless otherwise noted, the authority for this chapter is Paragraph 21 of §8 of An Act Making appropriations to provide for the expenses of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and fourteen, and for other purposes, approved March 4, 1913 (37 *Stat.* 977); as amended by §2 of the Public Utilities Amendment Act of 1989, D.C. Law 8-47, D.C. Code §43-501 (1990 Repl. Vol.).

**SOURCE:** Final Rulemaking published at 40 DCR 2755 (April 30, 1993).

### 1901      CERTIFICATION FILING REQUIREMENTS FOR RESALE CARRIERS

- 1901.1      Existing resale carriers and prospective resale carriers shall file a certification application with the Secretary of the Commission.
- 1901.2      All applications shall include the following information:
- (a)      The name, address and telephone number of the applicant;
  - (b)      The name, address and telephone number of the individual authorized to respond to questions by the Commission or its staff regarding the application; and
  - (c)      A full description of the service, including terms, conditions, area of coverage, quality, and features of service.

- 1901.3 The applicant shall provide any other information the Commission shall indicate will be required to evaluate the application, within fifteen (15) working days of the Commission's request.
- 1901.4 In addition to the copies required to be filed with the Commission pursuant to §100.11 of this title, applicants shall be required to forward one (1) complete copy of the application submission to the Chesapeake and Potomac Telephone Company and the Office of the People's Counsel.
- 1901.5 Upon the filing of a certification application form, the following shall apply:
- (a) Interested parties shall have thirty (30) days from the date of the filing of the certification application to respond to the application;
  - (b) If the Commission Secretary does not receive opposition to the application within the thirty (30) day period, the service shall be certificated, unless the Commission decides to investigate whether the service would be in the public interest;
  - (c) If the Commission decides to investigate or any person opposes the application, the Commission may make a final determination using formal hearing procedures pursuant to §120 of this title, or whatever other procedures it deems to be in the public interest;
  - (d) If the Commission holds a hearing on an application for resale carriage, notification of the date of the formal hearing shall be made by first class mail to the person whose certificate application is being challenged or reviewed, the Office of the People's Counsel, and C&P; and
  - (e) The formal hearing shall be held at least thirty (30) days after notice has been provided.
- 1901.6 The scope of the services provided by resale carriers shall be limited to those services for which the carriers have received a certificate from the Commission.

SOURCE: Final Rulemaking published at 40 DCR 2755 (April 30, 1993); as amended by Final Rulemaking published at 40 DCR 6633 (September 17, 1993).

## **1902 SALE OR TRANSFER OF EFFECTIVE CONTROL**

- 1902.1 The sale or transfer of effective control of a certificated resale carrier shall cause nullification of the certificate, effective as of the time at which the sale or transfer occurs, unless the sale or transfer has first been approved by the Commission.
- 1902.2 Where the sale or transfer of effective control over a resale carrier for which a certificate has been granted, or the transfer, assignment or other disposition of stock or voting rights of an entity which is the holder of a certificate is contemplated or intended either voluntarily or involuntarily, the party proposing to gain effective control shall apply for a new certificate pursuant to §1601 of this chapter.



SOURCE: Final Rulemaking published at 40 DCR 2755, 2756 (April 30, 1993).

### 1903 PENALTIES

- 1903.1 A resale carrier's failure to comply with Title 43 of the D.C. Code or the Commission's rules may result in nullification or suspension of the certificate.

SOURCE: Final Rulemaking published at 40 DCR 2755, 2756 (April 30, 1993).

### 1904 COMPLAINT PROCEDURES

- 1904.1 If the Commission makes an initial determination on its own investigation that a resale carrier may have failed to comply with Title 43 of the D.C. Code or the Commission's rules, a formal hearing shall be held pursuant to §120 of this title unless otherwise ordered by the Commission. If the Commission finds a violation of Title 43 of the D.C. Code or the Commission's rules, the Commission may determine the appropriate remedy.

- 1904.2 If the Commission receives a complaint alleging that a resale carrier failed to comply with Title 43 of the D.C. Code or the Commission's rules, a formal hearing shall be held pursuant to §120 of this title unless otherwise ordered by the Commission. If the Commission finds a violation of Title 43 of the D.C. Code or the Commission's rules, the Commission may determine the appropriate remedy.

- 1904.3 If the Commission hold a hearing on a resale carrier's certificate, notification of the date of the formal hearing shall be made by first class mail to the person whose certificate is being challenged or reviewed, the Office of the People's Counsel, and C&P.

- 1904.4 The formal hearing shall be held at least thirty (30) days after notice has been provided.

SOURCE: Final Rulemaking published at 40 DCR 2755, 2756 (April 30, 1993); as amended by Final Rulemaking published at 40 DCR 6633 (September 17, 1993).

### 1999 DEFINITIONS

- 1999.1 When used for this chapter, the following terms and phrases shall have the meaning ascribed:

**Effective Control** - the ability of any person, by reason of a direct or indirect ownership interest (whether of record or beneficial) of ten percent (10%) or more of the outstanding shares or voting rights in a certificated resale carrier.

**Person** - any individual, corporation, partnership, association, joint stock company, joint venture, trust or unincorporated organization.

**Resale** - an activity wherein one entity subscribes to the communications services and facilities of The Chesapeake and Potomac Telephone Company and then reoffers similar

communications services and facilities to the public for profit. For the purpose of this chapter, services provided by the owner of a customer-owned coin and credit card operated telephone are not resale. (40 DCR 6634)

**Reseller** - a person, corporation, or entity or authorized agent, that subscribes to the communications services and facilities of The Chesapeake and Potomac Telephone Company and then reoffers similar communications services and facilities to the public for profit. For the purpose of this chapter, the owner of a customer-owned coin and credit card operated telephone is not a reseller. (40 DCR 6634)

**SOURCE:** Final Rulemaking published at 40 DCR 2755, 2757 (April 30, 1993); as amended by Final Rulemaking published at 40 DCR 6633, 6634 (September 17, 1993).